

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

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- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1975 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet. (1975 Code, § 12-202)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1975 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1975 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council. (1975 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1975 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1975 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

No person shall construct a driveway across any such drainage ditch unless he makes application to and reimburses the city for installation by the city of a fifteen (15) inch drainage tile and makes the driveway at least twenty (20) feet wide. (1975 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1975 Code, § 12-209)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1975 Code, § 12-210)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1975 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1975 Code, § 12-212)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1975 Code, § 12-213)

16-114. Minimum standards of a public street. (1) The proposed street shall have a right-of-way width of at least fifty (50) feet unless the requirement would cause undue hardship; however, in no case shall a right-of-way be less than forty (40) feet in width.

(2) All proposed streets shall have an improved base to a width of 28 feet. The base (crusher run), shall be compacted to a six (6) inch depth and shall be installed according to the methods specified in Section 33, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works, as revised. A prime coat shall be applied so as to leave two feet of base remaining on each side of the improvement as a shoulder. The prime coat cover shall be applied as specified in Section 49, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - July 1, 1951 and latest revisions thereto, or as specified, in Appendix II, of the LaFollette Subdivision Regulations, 1972. Following completion of the prime coat, a hot bituminous coat as shown in Section 55, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works as

revised, or Appendix II of the LaFollette Subdivision Regulations, 1972, shall be applied to complete the proposed street.

(3) Prior to final acceptance of a proposed street as the public street, the LaFollette Regional Planning Commission shall study a plat of the proposed street and make its findings known to the city council.

(4) Any person, firm, or corporation violating the provisions of this section, upon conviction shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$2.00 or more than \$50.00. Each day of violation shall constitute a separate offense. (Ord. #457, Dec. 1980)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights.
- 16-206. Driveway cuts.
- 16-207. Restored street and curb.
- 16-208. Perpetual care.
- 16-209. Insurance.
- 16-210. Time limits.
- 16-211. Supervision.
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16-201. Permit required. It shall be unlawful for any person, firm, corporation, public or private utility, association, or others, except the LaFollette City Street Department, to make any cut or excavation in any street, curb, alley, or public right of way in the city without complying with the provisions of this chapter; and it shall be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right of way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business and said permit shall be retroactive to the date when the work was begun. (Ord. #529, March 1990)

16-202. Applications. Applications for such permits shall be made to the director of public works and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavation, and the name of the person, firm, corporation, public or private

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

utility, association or others for whom the work is being done, and shall contain an agreement that the application will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the director of public works within twenty-four (24) hours of its filing. However, the requirements of this section, shall not be construed to apply to the emergency requirement set forth in § 16-201. (Ord. #529, March 1990)

16-203. Fee. The fee shall be set by resolution of mayor and city council. (Ord. #529, March 1990)

16-204. Deposit or bond. It shall be the responsibility of the permittee to place with the City of LaFollette a cash deposit either by the job or activity or on an annual basis. The amount of the deposit shall be determined by the city administrator or his designee based upon the size and nature of the permitted work within the right of way. The city may use the deposit to cover its cost should a failure of restoration work occur to the public right of way facility. Said requirements of this section may be waived by the city administrator. (Ord. #529, March 1990)

16-205. Manner of excavating--barricades and lights. Any person, firm, corporation, public or private utility, association, or others making any excavation or tunnel shall do so according to the specifications and standards issued by the City of LaFollette's Public Works Department. Sufficient and proper barricades and lights shall be maintained to protect person and property from injury by or because of the excavations being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. It shall be the responsibility of the permittee to adhere to the Manual on Uniform Traffic Control Devices. (Ord. #529, March 1990)

16-206. Driveway cuts. No one shall cut, build, or maintain a driveway across a public right of way without first obtaining a permit from the director of public works and receiving the necessary lines and grades from the public works department. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrians and/or vehicular traffic. (Ord. #529, March 1990)

16-207. Restored street and curb. Any person, firm, corporation, public or private utility, association, street, curb, alley, or public right of way in the city shall backfill said street, curb, alley, or public right of way according to city specifications and standards promptly upon the completion of the work for which the excavation or tunnel was made. However, the city may allow the

utility to place the final surfacing subject to City of LaFollette specifications. Final surfacing will be done by the city or a contractor hired by the city at the expense of the entity for which the excavation or tunnel was made, if requested. In case of unreasonable delay in restoring the street, curb, alley, or public right of way, the director of public works shall give notice to the person, firm, corporation, public or private utility, association, or others that unless the excavation or tunnel is refilled properly within twenty-four (24) hours, the city will do the work and charge the expense of doing the same to such person, firm, corporation, public or private utility, association, or others. If within the time mentioned the conditions of the above notice have not been complied with, the work shall be done by the city, or a contractor hired by the city, an accurate amount of the expense involved shall be kept, and the total cost including overhead cost shall be charged to the person, firm, corporation, public or private utility, association, or others, who made the excavation or tunnel. (Ord. #529, March 1990)

16-208. Perpetual care. Any person, firm, corporation, public or private utility, association, or others effecting a public way within the city, shall be responsible for any defects which occur to the public facility within the public way due to workmanship or materials. The cost of repairs shall be the responsibility of the utility owners of the facility which was placed within the City of LaFollette public way. The city's public works department will be responsible for making the repairs or having the work contracted. Repairs shall be made in accordance with specifications furnished by the City of LaFollette. (Ord. #529, March 1990)

16-209. Insurance. Each person applying for such a permit shall file a certificate of insurance or other suitable instrument indicating that he is insured against claims for damage for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city administrator in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$100,000 for each person and \$200,000 for each accident and for property damages an amount not less than \$50,000, with an aggregate of \$100,000 for all accidents. (Ord. #529, March 1990)

16-210. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the

refill is made ready for the pavement to be put on by the city, or contractor. It shall be unlawful for fail to comply with this time limitation unless permission for an extension of time is granted by the director of public works. (Ord. #529, March 1990)

16-211. Supervision. The director of public works, or his designee, shall from time to time inspect all excavations and tunnels being made in or under any public street, curb, alley, or other public right of way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and said work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (Ord. #529, March 1990)

16-212. Penalty. Any person, firm, corporation, public or private utility, association, or others violating any of the provisions of this chapter shall, upon conviction, be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. #529, March 1990)